



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 16, 1993

Mr. Michael G. Penkwitz
Assistant City Attorney
City of Temple
Municipal Building
Temple, Texas 76501

OR93-102

Dear Mr. Penkwitz:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 18359.

The City of Temple (the "city") has received two requests for information relating to three individuals. Specifically, the requestor seeks "copies of any and all documents reflecting the official duties, job descriptions, duty assignments, education, and related matters" of the three individuals and "any and all documents reflecting arrests, domestic complaints, speeding violations, driving while intoxicated, breath analyzer test results and any related matters." In addition, the requestor seeks information indicating whether any of the three individuals were employed by the police department and, if so, information indicating the circumstances under which they terminated their employment with the police department.¹ You advise us that you do not object to release of some of the requested information. However, you have submitted to us for review some of the requested information and claim that it is excepted from required public disclosure by section 3(a)(2) of the Open Records Act.

Section 3(a)(2) protects personnel file information only if its release would cause an invasion of privacy under the test articulated for section 3(a)(1) in *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). *Hubert v. Harte-Hanks Texas Newspapers*, 652 S.W.2d 546 (Tex. App.--Austin 1983, writ ref'd n.r.e.); *see also* Open Records Decision No. 441 (1986). In *Industrial Foundation*, the court held that the doctrine of common-law privacy protects only information containing highly intimate or embarrassing facts the publication of which would be highly objectionable to a reasonable person, provided the information is not of legitimate public concern. Generally, actions associated with a person's public employment do not constitute his private affairs. *See* Open Records Decision No. 470

¹The second request is a clarification of the first and generally seeks the same information.

(1987). On numerous occasions, for example, this office has held that the reasons for an employee's resignation or termination are not ordinarily excepted from required public disclosure by the doctrine of common-law privacy. *See, e.g.*, Open Records Decision Nos. 444 (1986) (reason's for employee's termination not excepted under doctrine of common-law privacy) (section 3(a)(2)); 329 (1982); 269 (1981) (documents relating to an employee's resignation may not be withheld under doctrine of common-law privacy) (section 3(a)(2)). Having examined the documents submitted to us for review, we conclude that they contain information that relates to officers' departure from the police department and therefore is of legitimate public interest. Accordingly, we conclude that the requested information may not be withheld from required public disclosure under section 3(a)(2) of the Open Records Act and must be released in its entirety.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR93-102.

Yours very truly,



Mary R. Crouter
Assistant Attorney General
Opinion Committee

MRC/GCK/le

Ref.: ID# 18359
ID# 18407

cc: Mr. Marley Jones
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